

### **REMARKS/ARGUMENTS**

The foregoing amendments and the remarks that follow are meant to impart precision to the claims, and more particularly point out the invention, rather than to avoid prior art.

Claims 1-3, 10-14, 21 and 23 are pending in the application. Claims 1-3, 10-14, 21 and 23 were rejected. Claim 11 has been amended and new claim 24 added in this response. No new matter has been added.

### **CLAIM REJECTIONS - 35 USC § 103**

The Examiner has rejected claims 1-3, 10-14, 21 and 23 under 35 USC § 103(a) as being unpatentable over Abbott et al., U.S. Patent No. 6,671,808 (hereinafter “Abbott”), and further in view of Burger, U.S. Patent Publication No. 2005/0060586 (hereinafter “Burger”).

Applicant’s claim 1 recites that a “storage medium is configured to store . . . [a] log of unique identifiers of locations the apparatus and the individual have visited” (emphasis added). Applicant appreciates the Examiner’s consideration of whether Abbott or Baker describe such a log. Applicant respectfully submits that, at least, the foregoing is explicit claim language that patentably distinguishes over the prior art.

The Examiner states that Abbott describes a key to interface with a wide variety of computers to support the user’s authentication. Abbott describes that key 200 has a memory 214 (Fig. 4), which stores data “to implement the above-described features of the invention” (9:56-58). A feature that Abbott describes is the use of a biometric sensor 250 to verify the identity of the person holding the key using a thumbprint (7:60-67).

However, stored data about a thumbprint does not describe an identifier of a location. Thus, Abbott does not describe a log stored in the key about locations that have been visited. Abbott also describes that the “key can become the central repository for a digital certificate, web-site favorites, and passwords” (10:25-26). Yet, this type of data does not teach “locations the apparatus and the individual have visited.” For example, a digital certificate is not taught by

Abbott as being associated with a location. The Examiner mentions storage of financial and non-financial media for transactions, but does not describe how this teaches a location. Thus, any user authentication by Abbott, whether done using a thumbprint or a digital certificate, does not store a log of locations on the key.

The Examiner further relies upon Burger as a secondary reference, and states that Burger discloses methods of portable electronic authorization that authenticate the identity of a user. Abbott fails to teach any storage of locations visited, as discussed above. In order to present a prima facie case of obviousness, the Examiner has a legal duty to demonstrate that Burger provides this missing teaching.

Burger describes a pocket vault 102 that may interface with interface stations 104a-c (Fig. 1) “so as to permit information to be uploaded from the network server 114 to the Pocket Vault 102, or to be downloaded from the Pocket Vault 102 to the network server 114” (par. 0100). For example, “a transaction may be processed via a commercial interface station 104c” (par. 0107).

Pocket vault 102 has read/write memory 210 and write-once memory 212 (Fig. 2). Burger describes that “memory 210 stores a plurality of different media issued by different and unrelated media issuers, including both financial (e.g., a credit or debit card) and non-financial media (e.g., a drivers license or a library card). Other examples of media or information that may be stored in the memory 210 include: a social security card, identification cards, membership cards, discount cards, commuter passes, toll passes, data for various RFID tags, transit cards, access tools such as hotel keys, business cards, coupons, concert and theatre tickets, transportation tickets, frequent customer cards (e.g., a frequent flier card), medical information cards, receipt information, photographs, etc.” (par. 0127). Burger here describes a variety of information that may be stored. Yet, Burger still does not teach or suggest the storage of “unique identifiers of locations the apparatus and the individual have visited” as recited in Applicant’s claim 1.

When Burger does discuss a “list of currently authorized locations for interface stations 104” (par. 0146), Burger describes that this list is stored in database 406 of the network server 114 (par. 0146, Figs. 1 and 4). Storage on the network server is not the same as storage on the

pocket vault. Further, Burger makes clear that the network server 114 is used to “track activity of Pocket Vault holders” (par. 0111). Thus, Burger describes that the tracked activity of a user, including transactions, will be stored on network server 114, and not the pocket vault.

For example, Burger describes the use of an “interface unit ID” (par. 0481). When pocket vault use is authorized, the interface unit ID may be sent to the network server 114 (par. 0481). Burger does not describe that the interface unit ID is stored on the pocket vault. Respectfully, Burger’s authenticated transaction as argued by the Examiner does not teach storing a log of locations on the pocket vault.

In addition to the above, Applicant respectfully submits that the Examiner has failed to provide an objective reason to combine the references. Rather, the Examiner is here believed to make only a conclusory statement that Abbott and Burger may be combined. Because there is no stated objective reason to combine the two references, the Examiner has failed to present a prima facie case of obviousness, and accordingly, the rejected claims are properly considered non-obvious and allowable. MPEP 2143.01 IV. The mere fact that references can be combined does not by itself render the resultant combination obvious. MPEP 2143.01 III. Because the Examiner only makes a conclusory statement that the teachings of Abbott may be combined with Burger, an assertion of obviousness cannot be sustained. MPEP 2141 III (quoting KSR, 550 U.S. at \_\_\_, 82 USPQ 2d at 1396).

In light of the above, Abbott and Burger, whether considered alone or in combination, fail to teach or suggest storing a “log of unique identifiers of locations the apparatus and the individual have visited.” Accordingly, Applicant respectfully requests that this rejection of claim 1 be withdrawn.

Applicant’s independent claim 11 recites that “the storage medium is configured to store . . . an encrypted log of unique identifiers of locations the apparatus and the individual have visited.” Claim 11 is believed allowable at least for similar reasons as discussed above for claim 1.

All of Applicant’s dependent claims depend, directly or indirectly, from independent claims 1 and 11, and are believed allowable for at least the reasons discussed above.

Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the right to later address these arguments.

**NEW CLAIMS**

New independent claim 24 has been added above. Claim 24 recites “the secure key device comprising a storage medium configured to store . . . an encrypted log of identifiers of locations at which the secure key device has been used” and is believed allowable at least for the reasons discussed above for claim 1.

**CONCLUSION**

It is respectfully submitted that all of the Examiner's objections have been addressed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Authorization is hereby given to charge our Deposit Account No. 50-2638 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,

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